

ORDINANCE NO. 03-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, SECTION 10-954 OF THE LEON COUNTY CODE OF LAWS; PROVIDING THAT ALL SPECIAL EXCEPTION USES SHALL REQUIRE REVIEW AND APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

SECTION 1. Chapter 10, Section 10-954 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Due to the nature of special exception uses tertiary, special criteria shall be applied to ensure compatibility of the proposed use with adjacent and nearby uses and developments:

- (1) If the proposed use is regulated by the supplemental regulations in Division 8 of this article, the development review will include those specific requirements in Division 8 ~~and shall require review and approval by the Board of County Commissioners~~
- (2) If the proposed use is not regulated by the supplemental regulations in Division 8 of this article, such special exception uses shall include a statement with the application for site plan approval which addressed the following factors:
 - a. Physical factors by which the environmental impact of the project on the site and adjacent site can be assessed.
 - b. Scale and character compatibility factors by which the viability of the development in terms of use, scale, height, setbacks, open space and architectural design can be assessed.
 - c. Relationship to other special exception in the vicinity of the subject site.

- d. Transportation access and location with respect to abutting transportation facilities. Unless otherwise specified, the development shall not access to or from any minor local street.
- e. Other factors as deemed appropriate by the County Administrator or designee, planning commission or Board of County Commissioners due to the nature of the proposed development.

(3) Notwithstanding Sections 10-1478 and 10-1479 of this chapter, all proposed special exception uses shall require review and approval by the Board of County Commissioners.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

SECTION 3. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
County, Florida, this _____ day of _____, 2003.

LEON COUNTY, FLORIDA

By: _____
Tony Grippa, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

By: _____
CLERK

APPROVED AS TO FORM:

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
HERBERT W.A. THIELE
COUNTY ATTORNEY